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## AMENDMENTS TO GENERAL LAWS OF THE STATE OF VERMONT RELATING TO LABOR

Enacted by the General Assembly of 1923

### No. 105

#### AN ACT TO AMEND CERTAIN SECTIONS OF CHAPTER 241 OF THE GENERAL LAWS RELATING TO EMPLOYERS' LIABILITY AND WORKMEN'S COMPENSATION.

It is hereby enacted by the General Assembly of the State of Vermont:

Section 1. Section 5761 of the General Laws is hereby amended so as to read as follows:

Sec. 5761. The commissioner of industries shall not be bound by common law or statutory rules of evidence or by technical or formal rules of procedure except as provided in this chapter, but may make such investigation or inquiry or conduct such hearing or trial in such manner as to ascertain the substantial rights of the parties.

Said commissioner may, upon the application of a party in a cause pending before him, and on such notice to the adverse party or his attorney as the commissioner thinks reasonable, issue a commission to a person designated by the commissioner, to take the testimony of a person residing or being without the State; and such testimony shall be taken upon interrogatories settled by the order of the commissioner or upon oral examination, as he directs.

Sec. 2. Section 5768 of the General Laws is hereby amended so as to read as follows:

Sec. 5768. The provisions of this chapter shall apply to all public and industrial employment, as hereinbefore







defined, but shall not apply to domestic servants or to employers who regularly employ but ten employees or less, provided that an employer who employs ten employees or less, may notify said commissioner that he wishes to be included within the provisions of this chapter; and thereafter, the provisions of this chapter shall apply to him, the same as if he employed more than ten employees. A charitable, religious, educational or other corporation, institution, association, partnership, or individual engaged in a business, trade or occupation which is not carried on for the sake of pecuniary gain, may voluntarily come within the provisions of this chapter by giving a similar notice. If a workman receives a personal injury by accident arising out of and in the course of such employment, his employer or the insurance carrier shall pay compensation in the amounts and to the person or persons hereinafter specified.

Sec. 3. Section 5783 of the General Laws is hereby amended so as to read as follows:

Sec. 5783. In case of the death of a person from any cause other than the accident during the period of payments for disability or for the permanent injury, the remaining payments for disability then due and—or for the permanent injury shall be made to his dependents according to the provisions of section five thousand seven hundred and seventy-nine, or if there are none, the remaining amount due, but not exceeding one hundred dollars, shall be paid in a lump sum to the proper person for funeral expenses.

Sec. 4. Section 5801 of the General Laws is hereby amended so as to read as follows:

Sec. 5801. If the employer and an injured employee, or the dependents of a deceased employee enter into an agreement in regard to compensation payable under the provisions of this chapter, a memorandum thereof shall be filed with said commissioner; and, if approved by him, such agreement shall be enforceable and subject to modification as provided by sections five thousand eight hundred and five, and five thousand eight hundred and nine. Said commissioner shall approve such an agreement only when the terms thereof conform to the provisions of this chapter; provided, however, that a compromise agreement may be approved by said commissioner when he is clearly of the opinion that the best interests of such employee or such dependents will be served thereby. A compromise settlement during pendency of an appeal to county court or to Supreme Court shall be effective only with the approval of said commissioner in accordance with this section.

Approved March 30, 1923.



AN ACT TO AMEND SECTIONS 5807 AND 5808 OF THE  
GENERAL LAWS RELATING TO APPEALS FROM  
DECISIONS OF THE COMMISSIONER OF INDUS-  
TRIES.

It is hereby enacted by the General Assembly of the  
State of Vermont:

Section 1. Section 5807 of the General Laws is hereby  
amended so as to read as follows:

Sec. 5807. Within ten days after copies of an award  
have been sent as provided by this chapter, either party  
may appeal to the county court of a county wherein a civil  
action between the parties would be triable. The provis-  
ions of sections one thousand six hundred and ninety-five  
and one thousand six hundred and ninety-six as to the time  
for entering and docketing such appeals and for the apellee's  
appearance shall apply to such appeals. The superior  
judges shall, by general rules, provide for the procedure  
to be followed on such appeals and either party shall be  
entitled to a trial by jury under such general rules as said  
judges may prescribe. The jurisdiction of said court shall  
be limited to a review of questions of fact or questions of  
fact and law certified to it by said commissioner and upon  
completion of the case in county court, either after trial or  
upon remand from the supreme court, the clerk shall certify  
the findings of the court to said commissioner who shall  
thereupon make a new order in accordance therewith and  
shall forthwith send to each of the parties a copy of such  
order. Such new order shall have all the force and effect  
of an award made pursuant to the provisions of section five  
thousand eight hundred and two and shall supersede the  
award previously made by said commissioner.

Sec. 2. Section 5808 of the General Laws is hereby  
amended so as to read as follows:

Sec. 5808. If an appeal is not taken under the provis-  
ions of the preceding section within the time limited there-  
for either party may, within five days thereafter, appeal to  
the supreme court; and the jurisdiction of said court shall  
be limited to a review of questions of law certified to it by  
said commissioner. On such appeal or on an appeal taken  
as provided in the preceding section and coming to the su-  
preme court on exceptions from county court said supreme  
court may render final judgment and award execution, or  
may remand the cause to the county court or to said com-  
missioner for further findings or for new order by said com-  
missioner in accordance with the mandate of said court.



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Said court shall, by general rules, prescribe the procedure to be followed in case of such appeals.

Sec. 3. This act shall take effect from its passage.

Approved March 3, 1923.

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